

REMARKS

Applicant received the Office action dated January 12, 2006, in which the Examiner: 1) rejected claims 1-2, 4-9, 12, 14-22, 24, 41-47, 52-54 and 61 as unpatentable over U.S. Patent No. 6,246,376 ("Bork") in view of U.S. Patent No. 6,360,102 B1 ("Havinis"); 2) rejected claim 23 as unpatentable over Bork and Havinis in view of GB 2 322 248 ("Hashimoto"); and 3) allowed claims 10, 11 and 13.

In this response, Applicant has amended claim 10 and 41 to correct typographical errors. Based on the arguments contained herein, Applicant respectfully requests reconsideration and allowance of the pending claims.

§ 103 Rejections

The Examiner rejected all of the claims as unpatentable over Bork in view of Havinis and Hashimoto. However, Bork does not qualify as prior art. The present application and Bork are commonly owned. Also, the Examiner previously concluded that Bork is prior art under 35 U.S.C. § 102(e) (see Office action dated 03/26/03). Section 103(c) states that "[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." Because Bork is a commonly-owned § 102(e) reference, Bork cannot be used per § 103(c) in an obviousness rejection of the present claims. For at least this reason, all the pending claims are in condition for allowance.

With regard to the remaining references, Havinis fails to teach or suggest "the telephone accessing a record of trust relationships regarding the communications system to determine a trust level for the first mobile station" as set forth in claim 1. Instead, Havinis teaches that a GMLC (Gateway Mobile Location Center), MLC (Mobile Location Center) or MSC/VLR (Mobile Switching Center/Visitor Location Register) can access the SLPP (Subscriber Location Privacy Profile) from a MS (mobile station) (see col. 9, lines 43-47). None of the above-mentioned centers/registers of Havinis are

comparable to a "telephone accessing a record of trust relationships... to determine a trust level for the first mobile station" as set forth in claim 1. Hashimoto is likewise deficient in this regard. For at least this additional reason, claim 1 and its dependent claims are allowable.

With regard to claim 41, none of the references teach or suggest "determining a trust level that the second mobile station has in the first mobile station" where "determining the trust level that the second mobile station has in the first mobile station includes the second mobile station determining the trust level by accessing the record of trust relationships in memory". As previously noted, Havinis' Subscriber Location Privacy Profile (SLPP) is accessed by a GMLC (Gateway Mobile Location Center), MLC (Mobile Location Center) or MSC/VLR (Mobile Switching Center/Visitor Location Register). None of the above centers/registers in Havinis are comparable to Applicant's second mobile station as set forth in claim 41. Hashimoto is likewise deficient in this regard. For at least this additional reason, claim 41 and its dependent claims are allowable.

With respect to claim 52, none of the references teach or suggest "the second mobile station sends its position in response to accessing the memory to determine the level of trust with the first mobile station". In Havinis, there is no second mobile station that sends its position after determining a level of trust with a first mobile station. Hashimoto is likewise deficient. For at least this additional reason, claim 52 and its dependent claims are allowable.

With respect to claim 61, Havanis and Hashimoto fail to teach or suggest "the first mobile station sends its position in response to accessing the memory to determine the second mobile station level of trust". For at least this additional reason, claim 61 is allowable.

CONCLUSIONS

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. Applicant hereby petitions for any time extensions that are necessary to prevent this case from being abandoned. In the event that additional fees related to this Amendment, or other transactions in this case, are required (including fees for net addition of claims and for time extension), the Examiner is authorized to charge Texas Instruments Inc.'s Deposit Account No. 20-0668 for such fees.

Respectfully submitted,



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